

Attorney's Docket No. GETS 5307.1

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR AUTOMATIC DETECTION AND AVOIDANCE OF
TURBOCHARGER SURGE ON LOCOMOTIVE DIESEL ENGINES**

the specification of which:

(check one)

☒ [X] is attached hereto

☐ [] was filed on _____ as Application Serial No.

_____, and was amended on _____.

☐ [] was described and claimed in PCT International Application

No. _____, filed on _____ and as amended
under PCT Article 19 on _____, if any.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

(Number) (Country) (Day/Month/Year Filed)

(Number) (Country) (Day/Month/Year Filed)

(Number) (Country) (Day/Month/Year Filed)

Priority Not Claimed

**ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS
A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH
PRIORITY IS CLAIMED**

(Number) (Country) (Day/Month/Year Filed)

CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/419,895 10/21/2002
(Application Number) (Filing Date)

(Application Number) (Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Serial No.) (Filing Date) (Status)

(Serial No.) (Filing Date) (Status)

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), Richard L. Bridge (40,529), Christopher M. Goff (41,785), Derick E. Allen (43,468), Michael G. Munsell (43,820), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Kathryn J. Doty (40,593), James J. Barta, Jr. (47,409), James E. Davis (47,516), Richard A. Schuth (47,929), Jennifer E. Hoekel (P-48,330), Timothy B. McBride (47,781), David L. Howard (41,502), Andrew N. Claerbout (50,202), Thomas F. Maloney (50,156), James D. Harper (51,781), Jacob S. Wharton (52,428), and Jeffrey S. Ellsworth (51,650) all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102 and Carl A. Rowold (29,023), Ann Agosti (37,372), Jay Chaskin (24,030) and John F. Beninati (40,510) of GE Transportation Systems, 2901 East Lake Road - Bldg. 14-5, Erie, PA 16531.

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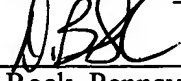
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Dennis Brian Shea

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Full name of second joint inventor Eric Richard Dillen

Second inventor's signature _____ Date _____
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Full name of third joint inventor Vincent F. Dunsworth

Third inventor's signature _____ Date _____
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Full name of fourth joint inventor Shawn Michael Gallagher

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Full name of second joint inventor Eric Richard Dillen

Second inventor's signature _____ Date _____

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Full name of third joint inventor Vincent F. Dunsworth

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Third inventor's signature _____ Date 11-6-03

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Fourth inventor's signature *Shawn Michael Gallagher* Date 11-7-03

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